

**RECEIVED
CENTRAL FAX CENTER**

Jun-22-2006 03:33pm From-B&D PATENT DEPT.

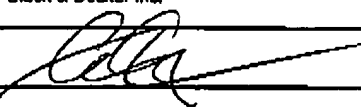
JUN 22 2006


T-549 P.001/004 F-913

Approved for use through 07/31/2006. OMB 0551-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM	Application Number	10/642,860
	Filing Date	August 18, 2003
	First Named Inventor	Paul S. White et al.
	Art Unit	1745
	Examiner Name	J Maples
<small>(to be used for all correspondence after initial filing)</small>		
Total Number of Pages in This Submission	4	Attorney Docket Number TN-1631C

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div style="border: 1px solid black; padding: 2px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Black & Decker Inc.		
Signature			
Printed Name	Adan Ayala, Esq.		
Date	June 22, 2006	Reg. No.	38,373

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Adan Ayala, Esq.	Date	June 22, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

Serial No. 10/642,860
UTILITY PATENT

JUN 22 2006

Resp to Off Act mailed on Apr. 3, 2006
B&D No. TN-1631C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Paul S. WHITE et al.**

Serial No.: 10/642,860

Examiner: **J. Maples**

Filed: **August 18, 2003**


Group Art Unit: **1745**

For: **BATTERY PACK**

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO OFFICE ACTION

I, Adan Ayala, PTO Reg. No. 38,373, hereby certify that this
correspondence is being facsimile transmitted to the Patent and
Trademark Office Fax No. (571) 273-8300 on 6-22-06


Adan Ayala

Dear Sir:

This is in response to the Office Action mailed on April 3, 2006.

The Examiner rejected Claims 48-65 under 35 USC § 112, first paragraph, as failing to
comply with the written description requirement. This rejection is respectfully traversed.

First, the Examiner noted that "there is specific description of a cavity in the present
specification and the [cavity] is also not depicted in the drawings." This is incorrect.

The fundamental factual inquiry in determining whether the written description
requirement has been met is "whether the specification conveys with reasonable clarity to those
skilled in the art that, as of the filing date sought, applicant was in possession of the invention as
now claimed." MPEP § 2163.02 (*citing Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19